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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/686,637	10/17/2003	Gil N. Andrion	AGN-104-A	8218
21770	7590	05/18/2006	EXAMINER	
CHARLES W CHANDLER 33150 SCHOOLCRAFT SUITE 207 LIVONIA, MI 48150			WILLATT, STEPHANIE L	
			ART UNIT	PAPER NUMBER
			3754	

DATE MAILED: 05/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/686,637

Applicant(s)

ANDRION, GIL N.

Examiner

Stephanie L. Willatt

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-4, 6 and 8-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-4, 6 and 8-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 February 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The indicated allowability of claim 5 is withdrawn after reconsideration of the embodiment of Balavich shown in Figures 1-6. Rejections based on the newly cited reference(s) follow. The Examiner regrets any inconvenience.

Drawings

2. The drawings were received on 23 February 2006. These drawings are not acceptable because they are not labeled as "Annotated Sheet" and there is not a replacement sheet marked "Replacement Sheet." Please see the instructions for effecting drawings changes below.

INFORMATION ON HOW TO EFFECT DRAWING CHANGES

Replacement Drawing Sheets

Drawing changes must be made by presenting replacement sheets which incorporate the desired changes and which comply with 37 CFR 1.84. An explanation of the changes made must be presented either in the drawing amendments section, or remarks, section of the amendment paper. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). A replacement sheet must include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of the amended drawing(s) must not be labeled as "amended." If the changes to the drawing figure(s) are not accepted by the examiner, applicant will be notified of any required corrective action in the next Office action. No further drawing submission will be required, unless applicant is notified.

Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and within the top margin.

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Annotated Drawing Sheets

A marked-up copy of any amended drawing figure, including annotations indicating the changes made, may be submitted or required by the examiner. The annotated drawing sheet(s) must be clearly labeled as "Annotated Sheet" and must be presented in the amendment or remarks section that explains the change(s) to the drawings.

Timing of Corrections

Applicant is required to submit acceptable corrected drawings within the time period set in the Office action. See 37 CFR 1.85(a). Failure to take corrective action within the set period will result in ABANDONMENT of the application.

If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings **MUST** be filed within the **THREE MONTH** shortened statutory period set for reply in the "Notice of Allowability." Extensions of time may **NOT** be obtained under the provisions of 37 CFR 1.136 for filing the corrected drawings after the mailing of a Notice of Allowability.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 2-4, 6, 8-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- Claim 9 depends from itself.
- Claim 10 depends from claim 1, which has been cancelled.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3, 6, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Balavich (US 5,065,875) in view of Dennis (US 5,215,193).

In Figures 1-6, Balavich discloses a combination bottle and nested container comprising an elongated body (bottle 1) having a top opening, resilient walls, and an outer symmetrical profile and an elongated integral recess (cavity 5). The recess (cavity 5) has a wall means forming a liquid-tight enclosure such that a liquid contained in the body (bottle 1) will not pass through the recess (cavity 5) of the bottle. A cylindrical case (nested container 6) is receivable in the recess (cavity 5). The case (nested container 6) is capable of receiving a toothbrush and toothpaste. The case (nested container 6) is receivable in the recess (cavity 5) to a stored position in which the outside surface of the case (cavity 5) forms a continuation of the profile of the body (bottle 1). The means for releasably holding the case (nested container 6) in the recess (cavity 5) includes projections (11). Regarding claim 5, there is a second recess (upper cavity 9) that receives a finger (pointed tip 18) of the case (nested container 6).

Balavich does not disclose that the case contains a toothbrush and toothpaste. Dennis teaches that it is convenient to store a toothbrush, a razor, toothpaste, and other hygiene products in a recess in a mouthwash container (34) in lines 46-55 of column 4. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the invention of Balavich to store toothbrush, a razor, toothpaste, and other hygiene products in a recess in the bottle while the bottle contains mouthwash, as taught by Dennis, in order to conveniently provide hygiene products in one main container.

Balavich does not disclose a length of tape adhesively attached to the container on opposite sides of the recess. However, it is well known to use tape to reinforce a connection between two objects. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a length of tape on the container on opposite sides of the recess in order to reinforce the connection between the case and the container.

7. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Balavich (US 5,065,875) in view of Dennis (US 5,215,193) as applied to claims 1-3 and 6 above, and in further view of Widlak (US 4,821,752).

Balavich and Dennis disclose the features discussed above, but do not disclose a toothbrush formed of two pieces. Widlak teaches a toothbrush with an elongated hollow body (base member 24). A handle with a brush (brush assembly 22) is receivable in the hollow body (base member 24) such that the handle is movable

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between a stored position and an extended position. There is a means for holding the handle in the extended position, which includes rib (62) and groove (40). It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the toothbrush taught by Widlak in the combination taught by Balanvich and Dennis, in order to provide a toothbrush that can fit in a smaller case and that includes dental floss in the handle.

Allowable Subject Matter

8. Claim 2 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

9. Claims 8 and 10 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Response to Arguments

10. Applicant's arguments with respect to claims 3, 4, 6, and 9 have been considered but are moot in view of the new ground(s) of rejection.

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Conclusion

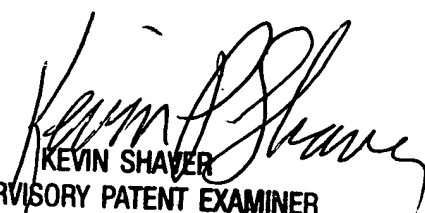
11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephanie L. Willatt whose telephone number is (571) 272-4721. The examiner can normally be reached on M-F (8:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin P. Shaver can be reached on (571) 272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



slw



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